

14

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

DEBRA F. JODDIN
ON BEHALF OF THE ESTATE OF
HARVEY SCHWARTZ
Plaintiff,

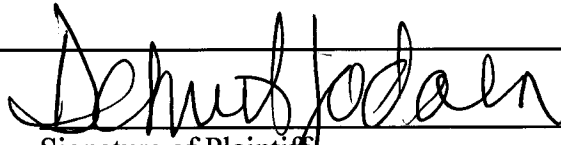
V.

WILLIAM BEAUMONT HOSPITAL
AND ATTACHED LIST Defendant(s).

Case:2:11-cv-13630
Judge: Roberts, Victoria A.
MJ: Hluchaniuk, Michael J.
Filed: 08-19-2011 At 01:22 PM
CMP JODOIN V. WILLIAM BEAUMONT HOSP
ITAL, ET AL (TAM)

COMPLAINT

SEE ATTACHED COMPLAINT



Signature of Plaintiff

24443 SURFSIDE

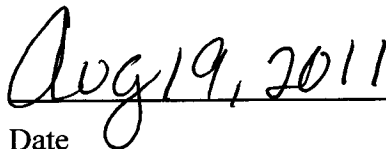
Street Address

NOVI MI 48374

City, State ZIP

248-505-3970

Telephone Number



Date

Defendants:

1. William Beaumont Hospital and/or its Physicians, Nurses, and other patient care staff.
2. William Beaumont Hospital In Patient Rehabilitation Unit and/or its Physicians, Nurses or other patient care staff.
3. William Beaumont Hospital In Patient Hemodialysis Unit and/or its Physicians, Nurses, and other patient care staff.
4. Jeffrey Altschuler, M.D. and his professional corporation
5. Marc Brodsky, M.D.
6. Jeffery Gold, M.D. and his professional corporation
7. John Burdakin, M.D. and his professional corporation
8. Anthony D'Errico, D.O.
9. Fouad Batah, M.D.
10. Nancy DeSantis, M.D.
11. Sherry Viola, M.D.
12. Sultan Zaidan, M.d

STATEMENT OF CLAIM

Debra F Jodoin, claimant, on behalf of the estate of Harvey Schwartz, hereby files this claim against the Defendants: William Beaumont Hospital- Royal Oak and/or its physician, nursing, or other patient care staff including its residents, William Beaumont Hospital In Patient Rehabilitation Unit and/or its physician, nursing, and other patient care staff including its residents, William Beaumont Hospital In Patient Dialysis Unit including its physicians, nurses and/or other patient care including its residents, Jeffery Altshuler, M.D. and his professional corporation, Marc Brodsky, M.D., Jeffery Gold, M.D. and his professional corporation, John Burdakin, M.D. and his professional organization, Anthony D'Errico, D.O., Fouad Batah, M.D., Nancy DeSantis, D.O., Sherry Viola, M.D., and Sultan Zaidan, M.D., and support thereof states as follows:

FACTUAL BASIS OF CLAIM

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April 13, 2009: After returning to the Rehabilitation Unit at William Beaumont Hospital under the care of Dr. Nancy Desantis, Dr. Karim, and Dr. Sherry Viola, a nurse called an "On-call" Doctor, Dr. Sultan Zaidan because patient was having trouble sleeping. Without knowledge of patient's situation or chart, Dr. Sultan Zaidan called in a prescription of Ambien to be crushed and given. A sleeping pill should never have been prescribed because patient was a dialysis patient and would remain in system until dialysis is done.

April 14, 2009: After receiving Ambien prescribed by Dr. Sultan Zaidan, Harvey Schwartz awoke at 7:15am with the need to use the restroom. After repeatedly hitting the call button for a nurse to come to his aid, he made the decision to go himself. Upon doing so, a nurse never came because it was during report time, no bed alarm was ever engaged, and he was quite sleepy because of the medication received the evening prior and it had not been dialyzed out of his system. As a result of being unassisted he fell hitting his head. Sending him back to the ICU and into a psychotic state, requiring an unnecessary CAT scan and blood tests. A MRI was refused over and over at the request of patient's family stating he was different after the fall. This was a tremendous setback in his recovery.

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July 4, 2009: Harvey Schwartz died from multiple organ failure due to lack of patient care and multiple errors by Doctors, nurses, and staff at William Beaumont Hospital, William Beaumont Hospital in Patient Hemodialysis Unit, and William Beaumont Hospital in Patient Rehabilitation Unit from February 20, 2009 until May 2, 2009.

CIVIL COVER SHEET

County of Residence of Plaintiff: Oakland

JS 44 (Rev. 12/07)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

I. (a) PLAINTIFFS

Debra F. Jodoin, on behalf of the estate of Harvey Schwartz

(b) County of Residence of First Listed Plaintiff Oakland
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

None DEBRA JODOIN
24443 SURFSIDE, NOVI MI 48374

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☒ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

DEFENDANTS

See attached list

County of Residence of First Listed Defendant Oakland
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- (For Diversity Cases Only)
- Citizen of This State ☒ 1 PTF ☒ 1 DEF Incorporated or Principal Place of Business In This State ☐ 4 PTF ☐ 4 DEF
- Citizen of Another State ☐ 2 PTF ☐ 2 DEF Incorporated and Principal Place ☐ 5 PTF ☐ 5 DEF
- Citizen or Subject of Foreign Country ☐ 6 PTF ☐ 6 DEF

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IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	PERSONAL INJURY	REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	FORFEITURE	LABOR	IMMIGRATION	PROPERTY RIGHTS	SOCIAL SECURITY	FEDERAL TAX SUITS	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	<input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☐ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
600.2912A Action Alleging Malpractice; Burden of ProofBrief description of cause:
Medical Malpractice/Negligence/Wrongful Death

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 DEMAND \$ 250,000. per defenda CHECK YES only if demanded in complaint:
JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

SIGNATURE OF ATTORNEY OF RECORD

X Debra Jodoin

DATE

August 19, 2011

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

PURSUANT TO LOCAL RULE 83.11

1. Is this a case that has been previously dismissed?

☐ Yes

☒ No

If yes, give the following information:

Court: _____

Case No.: _____

Judge: _____

2. Other than stated above, are there any pending or previously discontinued or dismissed companion cases in this or any other court, including state court? (Companion cases are matters in which it appears substantially similar evidence will be offered or the same or related parties are present and the cases arise out of the same transaction or occurrence.)

☐ Yes

☒ No

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Notes :

Defendants:

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